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SENSITIVE
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DEPARTMENT FOR AF/E, G/TIP, AND L/LEI
CAIRO FOR DOJ

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SUBJECT: GODJ WELCOMES ENGAGEMENT WITH DEPARTMENT OF JUSTICE

REF: 08 DJIBOUTI 554; 09 DJIBOUTI 1155; 09 DJIBOUTI 1043

11. (SBU) SUMMARY. During a visit of Cairo-based Department of Justice (DOJ) attache to Djibouti, GODJ officials uniformly reiterated their willingness to cooperate with the USG on judicial issues. The Minister of Justice and other senior officials confirmed that if the U.S. did not want to conclude a bilateral agreement on judicial cooperation, Djibouti was ready to share information and evidence on a case-by-case basis, and/or to base cooperation on provisions in international treaties signed by both governments. Under Djiboutian law, international conventions supersede national law. In addition, GODJ officials signaled Djibouti's interest in a more broad-based bilateral relationship on judicial matters, including potential technical assistance and training. END SUMMARY.

12. (U) Cairo-based DOJ attache and Sanaa-based Legatt visited Djibouti October 3-5 for meetings with Minister of Justice Mohamed Siad Barkat, Procureur General Djama Souleiman Ali, Financial Intelligence Unit Head Ali Daoud, Ministry of Foreign Affairs Director of Bilateral Relations Mohamed Ali Hassan, and other members of their staffs. EmbOffs attended all meetings, and CDA, a.i. participated in the meetings with Djama Souleiman Ali and Mohamed Ali Hassan.

13. (SBU) DOJ attache told Minister of Justice Mohamed Siad Barkat that as crime becomes more transnational, there was an even greater need for international cooperation, and that the DOJ considered Djibouti a key partner in the region. Minister Barkat welcomed the DOJ visit and the idea of a broad-based partnership on judicial issues. Djibouti and the U.S. already have a strong relationship, he said, and the GODJ is ready to continue collaboration on judicial questions. Minister Barkat said that Djibouti would be interested in concluding a bilateral agreement on judicial cooperation. However, when DOJ attache explained that the USG was moving away from bilateral agreements in favor of cooperation based on existing international conventions, and on political will and friendship between countries, Barkat said that Djibouti would be ready to continue working with the U.S. on a case-by-case basis, on the foundation of reciprocity. He also agreed that cooperation could be based on international treaties signed by both the U.S. and Djibouti, noting for example that Djibouti had already signed the majority of international conventions relating to terrorism (Ref A). DOJ attache stressed that any request from the USG would be accompanied by assurances of reciprocity. Barkat and his team confirmed that under Djiboutian law, international conventions ratified by Djibouti trump national law in case of a conflict.

¶4. (SBU) Barkat welcomed upcoming U.S.-Djibouti initiatives in the justice sector, including Djiboutian participation in a USG-funded seminar in Algeria on fighting money laundering, terrorist finance, and transnational crime, and a planned G/TIP INCLE-funded program to provide a Department of Justice Office of Overseas Prosecutorial Development, Assistance, and Training (OPDAT) Intermittent Legal Advisor to help the Ministry of Justice better investigate and prosecute cases of trafficking in persons (ref B).

¶5. (SBU) Procureur General Djama Souleiman Ali told CDA and DOJ attache that there was "no problem" for Djibouti to exchange evidence or information with the USG. As a prosecutor, Ali said, it was a "pleasure to help a colleague in the search for the truth." Djibouti has always been ready to collaborate with the U.S. at the judicial level, and judicial personnel and investigators have benefitted from informal training and investigative support from the FBI (ref C). While noting that mutual judicial assistance is often based on a bilateral treaty, he said that his staff would be happy to work with the DOJ directly on an "informal," case-by-case basis, without necessarily going through the "diplomatic circuit." On the issue of potential deportations of third-country nationals, Ali noted a recent meeting with Human Rights Watch and Amnesty International to discuss an alleged detention by USG authorities of an individual in Djibouti.

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¶6. (SBU) In a separate meeting, Chief Prosecutor Maki Omar Abdoukader said that as long as fundamental rights were respected, Djibouti had no issue with collaborating informally. Abdoukader also noted the need for training in the judicial system, especially in light of major challenges such as trafficking in persons. In the future, he said, Djibouti might even be able to prosecute pirates. Abdoukader welcomed the proposed OPDAT program and the seminar in Algeria.

¶7. (SBU) MFA Director of Bilateral Affairs Mohamed Ali Hassan said he was happy that the DOJ considered Djibouti an important partner. "Your visit is important," he told DOJ attache. While the GODJ has traditionally sought bilateral judicial assistance agreements, for example with the French, Hassan said that the GODJ remained willing to work with the USG on a case-by-case basis, and that cooperation could be grounded on international conventions signed by both countries. He added, however, that even in the absence of a formal bilateral agreement, the GODJ was primarily interested in "building a bilateral partnership" on judicial issues. Counter terrorism, trafficking, and other related issues are key priorities for the GODJ, and require a high degree of international cooperation. Hassan welcomed the OPDAT program, and said that the GODJ would be interested in additional training or technical assistance provided by the DOJ. It is important, he underlined, for the Ministry of Justice to be "involved from the beginning," and not simply be called upon when evidence is needed. The GODJ would welcome DOJ assistance to diagnose weaknesses in the justice system, and to work together on key issues. In short, he said, "more cooperation would be desirable."

¶8. (SBU) Financial Intelligence Unit (FIU) Chief Ali Daoud told DOJ attache and Legatt that while Djibouti had made enormous progress in fighting financial crime, there was still work to do to address this crosscutting challenge. Daoud said that Djibouti had been actively engaged with regional partners, including through the Intergovernmental Authority on Development (IGAD), and was also working to improve inter-ministerial cooperation at the Djiboutian level through a technical counterterrorism committee (ref A). He said that while the FIU had not referred any cases of money laundering to the judiciary, his staff had been able to help resolve several cases of suspicious transactions referred by banks to the FIU. The FIU would "immediately" know who had a banking account in Djibouti, Daoud said, and in case of a USG inquiry, would likely be able to confirm informally if a certain individual

held a bank account in-country. The decision to share any further information, Daoud said, would likely be taken above the FIU level. While suggesting that a bilateral agreement might be useful, Daoud said that the FIU was very open to working with international partners, including the United States. Daoud also confirmed that when the FIU receives USG notifications of terrorist designations, the information is disseminated through the banking community. Daoud and one other FIU colleague will participate in the Algeria seminar on combating money laundering, terrorist finance, and transnational crime.

19. (SBU) COMMENT. GODJ officials uniformly confirmed their openness to judicial cooperation with the U.S., and their desire to see more broad-based collaboration in the justice sector. Despite the relative absence of large-scale USG technical assistance programs in the justice sector, overall U.S. engagement with key justice interlocutors has been strong—for example, a significant number of Ministry of Justice and FIU officials attending meetings with DOJ attache are International Visitor Leadership Program alumni. While GODJ officials may have expected the U.S. to follow the "French" model of seeking a formal bilateral agreement, they readily agreed to work with the USG on a case-by-case basis, and if applicable, on the foundation of international agreements signed by both countries. All parties agreed that judicial cooperation must be based on the fundamental principles of reciprocity and political will. This visit confirmed that the political will to work with the USG exists—and that Djibouti would welcome further USG engagement in the justice sector. END COMMENT.

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